

**REMARKS**

In response to the Final Office Action<sup>1</sup> mailed October 27, 2010, (hereinafter "Final Office Action"), Applicant submitted a Reply and Request for Continued Examination on March 28, 2011, that canceled all of the pending claims in favor of new claims. Applicant received a notice of non-compliant amendment indicating that the new claims were out of scope of the originally elected claims and that under 37 C.F.R. 1.145, these amendments were improper and accordingly not entered.

In response to the notice of Non-compliant Amendment, Applicant addresses herein the last substantive communication, the Final Office Action mailed October 27, 2010, and submits new claim amendments. Under M.P.E.P. § 821.03, Applicant understands that the previously submitted claims deemed non-responsive by the Examiner have not been entered, and therefore base the new claim amendments and following remarks on the claims of record at the time of the last substantive office action.

In the Final Office Action mailed October 27, 2010, the Examiner:

- rejected claims 1, 11-12, 18, 28-30, and 33 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,785,675 to Graves et al. ("*Graves*") and U.S. Patent Application Publication No. 2002/0013856 to Garcia-luna-Aceves et al. ("*Garcia*");

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<sup>1</sup> The Final Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

- rejected claims 4-6, 15, and 21-23 under 35 U.S.C. § 103(a) as unpatentable over *Graves* and *Garcia* in view of U.S. Patent No. 7,165,166<sup>2</sup> issued to Adam Grove et al. ("*Grove*"); and
- rejected claims 7-10, 16-17, and 24-27 under 35 U.S.C. § 103(a) as unpatentable over *Graves* and *Garcia* and *Grove* further in view of U.S. Patent Application Publication No. 2002/0040414 to Uehara ("*Uehara*") and U.S. Patent Application Publication No. 2003/0138091 to Meek et al ("*Meek*").

By this amendment, Applicant has amended claims 1, 4, 6, 11, 15, 18, 21-24, and 35; canceled claims 7-10, 12, 16-17, 25-27, 29-30, and 33 without prejudice or disclaimer of their subject matter; and added new claims 36-47. No new matter has been added. Support for these amendments can be found, among other places, in the as-filed application at paragraphs [0031]-[0032], [0034]-[0035], [0082], [0084], and [0087]. Accordingly, upon entry of this Amendment, claims 36-53 are pending and under current examination.

**Rejection of Claims 1, 11-12, 18, 28-30, and 33 Under § 103(a)**

Applicant requests reconsideration and withdrawal of the rejection of claims 1, 11-12, 18, 28-30, and 33 under 35 U.S.C. § 103(a) under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Graves* and *Garcia*. Especially in light of the current amendments, a *prima facie* case of obviousness has not been established.

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<sup>2</sup> Applicant notes that although the Examiner cited U.S. Patent No. 7,165,166, Applicant responds as if the Examiner cited U.S. Patent No. 7,165,116.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements."

M.P.E.P. § 2142 (internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Claim 1 calls for a combination including, for example:

- extracting a plurality of queries and corresponding state information from a plurality of query messages received from a plurality of users over a network;
- creating a first request message including the plurality of queries and corresponding state information;
- . . .
- receiving a response message from a search engine, the response message including a plurality of replies and corresponding state information, each reply generated in response to a query ;
- creating a plurality of reply messages from the plurality of replies and corresponding state information; and
- sending the plurality of reply messages to a plurality of users over the network, each reply sent to a user based on the state information (emphasis added).

The combination of *Graves* and *Garcia* at least fail to teach or reasonably suggest the claim elements as they have incorporated recitations directed to “corresponding state information,” as found in amended claim 1.

In particular, the combination of *Graves* and *Garcia* at least fail to teach or suggest “creating a first request message including the plurality of queries and corresponding state information” in combination with “sending the plurality of reply messages to a plurality of users over the network, each reply sent to a user based on the state information” (emphasis added) as in amended claim 1.

The Final Office Action alleged that *Graves* at column 4, lines 45-50 constitute “wherein sending the plurality of reply messages to the plurality of users comprises identifying a user associated with each query from which each reply message was generated using the state information.” Office Action at 5 (rejecting claim 29, which is now canceled) . Applicant respectfully disagrees. The section of *Graves* relied upon in the Office Action actually discloses representing the results of an aggregated database query in a table with each record containing the same identifier as presented in each of the aggregated queries. *Graves* does not disclose “including the plurality of queries and corresponding state information” (emphasis added) as presently set forth in amended claim 1. Claim 1, as amended, requires *both* a “plurality of queries” *and* “corresponding state information.” *Graves*, on the other hand, cannot be characterized as providing both a “plurality of queries” (such as row identifiers corresponding to the aggregated queries of *Graves*) and “corresponding state information,” as presently set forth in the independent claims.

The disclosures of *Garcia*, *Grove*, *Uehara*, and *Meek* do not cure the deficiencies of *Graves*. Each of these references were presented by the Examiner for their alleged disclosure of other features of the pending claims and are not pertinent to claim 1 as amended.

In view of the above and the misunderstanding of *Graves* reflected in the Final Office Action, there are significant gaps between the content of the prior art and the claimed invention. Accordingly, one of skill in the art would not have found the claimed combination obvious in view of the prior art. For at least this reason, claim 1 is not obvious over the cited art. The rejection of claim 1 under 35 U.S.C. § 103(a) as being obvious from *Graves* and *Garcia* should be withdrawn.

Although of different scope, independent claims 11 and 18 include elements similar to those discussed above. For at least the same reasons presented above in connection with the patentability of claim 1, independent claims 11 and 18 are nonobvious and, thus, allowable. Dependent claim 28 is also allowable at least by virtue of its dependence from independent claim 11, as well as by virtue of reciting additional elements not taught or suggested by the cited references. Previously pending claims 12, 28-30, and 33 have been canceled without prejudice or disclaimer. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 11, 18, and 28.

**Rejection of Claims 4-6, 15, and 21-23 Under § 103(a)**

Applicants request reconsideration and withdrawal of the rejection of claims 4-6, 15, and 21-23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Graves* and *Garcia* in view of *Grove*.

In light of the above arguments with respect to independent claims 1, 11, and 18, dependent claims 4-6, 15, and 21-23 are also allowable at least by virtue of their dependence from one of independent claims 1, 11, and 18, as well as by virtue of reciting additional elements not taught or suggested by the cited references. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 4-6, 15, and 21-23.

**Rejection of Claims 7-10, 16-17, and 24-27 Under § 103(a)**

Applicants request withdrawal of the rejection of claims 7-10, 16-17, and 24-27 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Graves*, *Garcia*, and *Grove* further in view of *Uehara* and *Meek*. Because Applicants have canceled these claims, these rejections are moot and should be withdrawn.

**New Claims 36-47**

Newly added dependent claims 36-47 are allowable at least by virtue of their dependence from one of independent claims 1, 11, and 18, as well as by virtue of reciting additional elements not taught or suggested by the cited references. Therefore, Applicants respectfully request consideration and timely allowance of the new claims.

**Conclusion**

In response to the Notice of Non-Compliant Amendment mailed June 7, 2011, Applicant respectfully requests that the attached revised claim listing be substituted for that contained in the Amendment filed March 28, 2011.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims

Please grant any extensions of time required to enter this response and charge  
any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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